

Town Warrant
Commonwealth of Massachusetts
May 2, 2005

ESSEX, ss. To the Constables of the Town of Georgetown, in the County of Essex,

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the said Town, qualified to vote in the elections and in Town affairs, to meet at the Penn Brook School Gymnasium in said Town, on the 9th day of May, 2005 (Monday) to act on Article 1 of this warrant for which polls will be open from 8 o'clock A.M. until 8 o'clock P.M., and to meet at the Georgetown Middle/High School on the 2nd day of May, 2005 (Monday) at 7 o'clock P.M. then and there to act on the remaining articles of this warrant:

Article 1: Annual Town Election

To vote by ballot for the following officers: one Selectman, one Assessor, two Library Trustees, two School Committee members, one Water Commissioner, and one Light Commissioner, each for three years; one Planning Board Member and one member of the Georgetown Housing Authority, each for five years; one School Committee member for one year, two Library Trustees, one Planning Board member for two years, and one member of the Georgetown Housing Authority for one year.

Article 2: Town Officers and Committee Reports

To hear and act on the reports of the Town Officers and Committees.

Article 3: General Operating Budget/Reserve Fund

To see if the Town will raise and appropriate, or appropriate by transfer from available funds, a sum of money to defray charges and expenses of the Town, including debt and interest and including support of the schools, to fix salaries of the several elected offices of the Town, as provided by section 108, Chapter 41, General Laws, as amended, and to provide for a reserve fund for the ensuing year, as set forth in the Finance and Advisory Board Proposed Budget and Town Meeting Warrant for the Fiscal Year beginning July 1, 2005, or take any other action in relation thereto.

Article 4: Stabilization Fund

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be added to the Stabilization Fund, or take any other action in relation thereto.

Article 5: Water Department Operating Budget

To see if the Town will appropriate the receipts and available funds of the Water Department Enterprise Fund for the operation of the Water Department under the direction of the Water Commissioners for the Fiscal Year beginning July 1, 2005, or take any other action in relation thereto.

Article 6: Municipal Light Department Continuation of Operation

To see if the Town will appropriate receipts of the Municipal Light Department for the operation of said Department under the direction and control of the Municipal Light Board, as defined in Section 34, Chapter 164, General Laws, for the Fiscal Year beginning July 1, 2005, or take any other action in relation thereto.

Article 7: Zoning Board of Appeals Revolving Fund

To see if the Town will vote to continue the Zoning Board of Appeals Revolving Fund as authorized by Chapter 44, Section 53E ½ of Massachusetts General Laws. This fund shall be funded by applicants' fees to be expended without further appropriation for the purpose of application review including, but not limited to review services, clerical, legal expenses, equipment and office supplies. The Zoning Board of Appeals may expend from this account an amount not to exceed \$ 20,000.00 for the Fiscal Year beginning July 1, 2005; or take any other action in relation thereto.

Article 8: Road Machinery Fund

To see if the Town will vote to continue the Road Machinery Fund as authorized by Chapter 44, Section 53E ½ of the Massachusetts General Laws. This fund shall be funded by payments for rental of Highway machinery and shall be expended without further notice for the purpose of purchasing highway equipment. The Highway Surveyor, with approval of the Board of Selectmen, may expend from this account an amount not to exceed \$ 10,000.00, or the balance in the account, whichever is lesser, for the Fiscal Year beginning July 1, 2005 or take any other action in relation thereto.

Article 9: Conservation Commission Revolving Fund for Camp Denison

To see if the Town will vote to continue a Conservation Commission Revolving Fund for Camp Denison as authorized by Chapter 44, Section 53E ½ of Massachusetts General Laws. This fund shall be funded by program fees, facility use charges and outside vendor charges to be expended without further appropriation for the purpose of maintaining the support of the land and facilities including, but not limited to utilities, seasonal staff, legal expenses, equipment and office supplies. The Conservation Commission may expend from this account an amount not to exceed \$ 5,000.00 for the Fiscal Year beginning July 1, 2005; or take any other action in relation thereto.

Article 10: Comcast, Local Access Programming

To see if the Town will vote to continue a Cable Television Revolving Fund as authorized by Chapter 44, Section 53E ½ of Massachusetts General Laws. This fund shall be funded by the Annual License Fee and the PEG Capital Funding (Section 7.4 of the contract) paid by Comcast to the Town to be expended without further appropriation for the purpose of Local Access Programming, including but not limited to, utilities, salaries, equipment, maintenance and office supplies. The Cable Coordinator, with approval of the Town Administrator, may expend from this account an amount not to exceed \$60,000.00 for Fiscal Year beginning July 1, 2005; or take any other action in relation thereto.

Article 11: Chapter 90 Reimbursement, Transportation Bond

To see if the Town will appropriate the sum of \$176,919.14, or any other sum to be reimbursed by the Commonwealth of Massachusetts under the Transportation Bond issue, to be spent by the Highway Surveyor, with approval of the Board of Selectmen, under the provisions of Chapter 90 of the General Laws, or take any other action in relation thereto.

Article 12: Fire Department, Revolving Fund

To see if the Town will vote to establish a Fire Department Inspections Revolving Fund as authorized by Chapter 44, Section 53E ½ of the Massachusetts General Laws. This fund shall be funded by fees paid for inspections performed by the Fire Department, and may be expended without further appropriation for the purposes of providing for such inspection services. The Board of Fire Engineers, with the approval of the Town Administrator, may expend from this account an amount not to exceed \$7,000.00 for the Fiscal Year beginning July 1, 2005; or take any other action in relation thereto.

Article 13: Transfer Station, Lease

To see if the Town will authorize the Selectmen, in accordance with M.G. L. Chapter 40, Section 3, to lease for a period of up to ten years, on such terms as the Selectmen may determine, the public property known and described as the transfer station property and shown on a sketch (available at town meeting), for the purpose of operating a solid waste transfer station or take any other action in relation thereto.

Article 14: Community Preservation Historic Resources Category, Erie Four Display Case

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from the Community Preservation Fund estimated annual revenues, fund balance, or reserves, the amount of \$35,000.00 to be allocated to build a climate controlled display case to house and preserve the Erie 4 Fire Association's historic hand-tub fire engine. An environmentally controlled case would protect the engine from further deterioration and allow for a permanent display that would be open to the public; or take any other action in relation thereto.

Article 15: Community Preservation Community Housing Category, HP Access at Trestle Way

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from the Community Preservation Fund estimated annual revenues, fund balance, or reserves, the amount of \$12,000.00 to be allocated to provide handicapped access on two doors of the Trestle Way Community building and to install emergency lighting in the common hallways of 13 Georgetown Housing Authority buildings located at Trestle Way; or take any other action in relation thereto.

Article 16: Community Preservation Community Housing Category, Rebuilding Together

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from the Community Preservation Fund estimated annual revenues, fund balance, or reserves, the amount of \$10,000 to fund a grant to Rebuilding Together to be used for the remodeling of Privately Owned Low or Moderate income housing in Georgetown, Massachusetts, pursuant to a grant agreement between the Town of Georgetown and Rebuilding Together outlining the purposes for and conditions upon which the funds may be expended, and to authorize the Board of Selectmen to enter into such grant agreement and to accept one or more deed restrictions meeting the requirements of M.G.L. c.184, on the properties in the Town of Georgetown which qualify for the support under the grant agreement, or take any other action in relation thereto.

Article 17: Community Preservation Open Space Category, Aquifer Land Purchase

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from the Community Preservation Fund estimated annual revenues, fund balance, or reserves, the amount of \$240,000.00 (Two-Hundred Forty Thousand Dollars), for the acquisition by negotiated purchase of the parcels of land consisting of approximately 26 +/-acres described in Land Court Certificate No. 65233 and shown on Land Court Plan No.38324-A and Land Court Certificate No. 65234 and shown on Land Court Plan No.38835-A and further identified on Assessors Map 6A, Parcel 2, Map 6A Parcel 2A, and Map 6A Parcel 3; and to authorize the Board of Selectmen to acquire all or a portion of said property, excluding a one-half acre parcel of land to remain the property of the seller the exact boundaries of which to be agreed upon by the Board of Selectmen and the seller, said property to be managed and controlled by the Conservation Commission of the Town of Georgetown in accordance with Chapter 40, Section 8C for conservation and passive recreation purposes, and to meet said appropriation with funds transferred in accordance with M.G.L. Chapter 44B, the Community Preservation Act, or any other enabling authority, and that the Board of Selectmen and Community Preservation Committee or Conservation Commission be authorized to file on behalf of the Town of Georgetown any and all applications deemed necessary under the Self-Help Act (M.G.L. Chapter 132A, Section 11) or any other applications for funds in any way connected with the scope of this acquisition, and the Board of Selectmen and the Conservation Commission be authorized, as they deemed appropriate, to enter into all agreements and execute any and all instruments including the conveyance of a perpetual conservation restriction in accordance with M.G.L. Chapter 184 as required by Section 12(a) of Chapter 44B or Chapter 293 Section 10 of the Acts of 1998 as amended, as may be necessary on behalf of the Town of Georgetown to affect said purchase. Said conservation restriction may be granted to any organization qualified and willing to hold such a restriction in accordance with M.G.L. c.44B, or take any other action in relation thereto.

Article 18: Community Preservation General Budget

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2006 Community Preservation budget and to appropriate from the Community Preservation Fund a sum of money to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2006; and further to reserve for future appropriation the following amounts as recommended by the Community Preservation Committee: a sum of money for the acquisition, creation and preservation of open space excluding land for recreational use, a sum of money for acquisition and preservation of historic resources, and a sum of money for the creation, preservation and support of community housing, or take any other action in relation thereto.

Article 19: Community Preservation Recreational Land Use Category, Tennis Court/Skate Park

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from the Community Preservation Fund estimated annual revenues, fund balance, or reserves, the amount of \$100,000, to be allocated for the creation of a new outdoor active recreational facility at the American Legion Park in Georgetown. This would involve building a tennis court and a skateboard park on an existing area that is no longer safe to use and would involve the engineering and installation of the appropriate foundation and drainage; purchase and installation of new fencing, and the purchase and installation of skateboard jumps and other expenses associated with the creation and implementation of the facility, or take any other action in relation thereto.

Article 20: Community Preservation Recreational Land Use Category, Recreational Trails and Access Preservation

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from the Community Preservation Fund estimated annual revenues, fund balance, or reserves, the amount of \$10,000.00, to preserve open space for recreational purposes, such funds to be expended by the Conservation Commission preserve trails and access to them on municipal lands as identified in the town's current Open Space and Recreational Plan, as on file with the Conservation Commission; or take any other action in relation thereto.

Article 21: Citizen Petition, re-zone portion of Parish Road (2/3 vote)

To see if the Town will vote to Amend Georgetown Zoning By-Law, Chapter 165 as follows: To re-zone Assessors Map 20 Parcel 1 from Industrial B (IB) to Residential B (RB), or take any other action relative thereto.

Explanation: This parcel of land contains approximately 40 acres, and is adjacent to Interstate Route 95 on the westerly boundary and the frontage is partially on Parish Road in Georgetown, and Larkin Road in Newbury, on the northeasterly boundary. It can only be accessed through residential roads in Georgetown and Newbury. Abutting parcels have been re-zoned to residential in recent years. This Article is submitted on behalf of the property owner.

**Article 22:Recreational Path Committee, New Zoning District, Rail Trail
Recreational District (2/3 vote)**

To see if the Town will vote to amend Chapter 165, Zoning, of the Town of Georgetown by adding a new zoning district called the Rail Trail Recreational Overlay District.

If approved, the following additions shall be made to the zoning codes of the Town of Georgetown.

**Article XVIII
Rail Trail Recreational Overlay District**

165 - 133 Purpose.

The purpose of this Rail Trail Recreational Overlay District is to:

- A. Promote the health, safety and general welfare of this community by providing a recreational and pedestrian transportation path at the location of the former railroad owned by the Boston and Maine railroad.
- B. To preserve and enhance existing open space and the natural resources of the Town.

165 - 134 Scope of Authority

The Rail Trail Recreation Overlay District is an overlay district superimposed on existing zoning districts. Applicable activities and uses which fall within this district must comply with the requirements this district as well as the requirements of the underlying district. Passage of this zone does not limit the uses of the corridor by National Grid Corporation.

165-135 Definitions.

For purposes of this Article, the following words and phrases shall have the following meanings:

RAIL TRAIL RECREATIONAL OVERLAY ZONE: A pathway or corridor identified on a map as a Rail Trail Recreational Overlay Zone where non motorized public passive recreational uses including but not necessarily limited to walking, running, in line skating, biking, cross country skiing, snow shoeing, dog walking, and horseback riding may be allowed by specific regulation of the Planning Board.

165 -136 District Boundary.

The Rail Trail Recreational Overlay Zone shall extend upon the former railroad extending from the south border of Georgetown and the Town of Boxford and northerly to the Town of Newbury along the corridor formerly used and owned by

the Boston and Maine Railroad. The property is specifically shown on the “Right –of –Way and Track maps, Boston and Maine Railroad Maps, identified as V.7.3/20 through V.7.3/25, June 30, 1914, scale 1-IN = 100-FT” ” and is presently owned and maintained for power transmission lines by National Grid Corporation. The general location of the district is shown on the proposed ‘Amended Zoning Map.’”

165 - 137 District Boundary Disputes.

If the location of the district boundary in relation to a particular parcel is disputed by a bordering landowner, resolution of the boundary shall be by application to the Planning Board. The application must be accompanied adequate documentation to show where the bounds should be properly located.

165-138 Use Regulations

This amendment to the Zoning, will allow specified public recreational uses within the Rail Trail Recreational Overlay District, upon approval by passage of regulations by the Planning Board. The Planning Board after a public hearing and acting as granting authority, may, by specific regulation, grant and regulate the specific public uses of all or portions of pathways or corridors designated as the “Rail Trail Recreational Overlay Zone”. Permitted uses within the scope of this Article shall be various forms of pedestrian traffic, bicycling, in-line skating (rollerblading), cross country skiing, snow shoeing, dog walking, and equestrian riding. Prior to establishing permitted uses, the Planning Board shall be satisfied that a responsible authority or entity has an acceptable plan for use and the financial resources for operation and management of the recreational path.

Sufficient documentation for use by the applying responsible authority shall clearly show adjacent uses of property bordering the “Rail Trail”, an Operation and Maintenance Plan including measures to provide safety, security and privacy and other features of management determined significant by the Planning Board, to insure that potential impacts upon abutters are minimized and that public health and safety concerns of the general public are adequately addressed. In addition, a financial plan and funding mechanism for construction, operation and maintenance shall be provided to the Planning Board.

Except for emergencies, safety, vehicles necessary for construction, operation and maintenance of the recreational path and power lines, motorized vehicles including snowmobiles are prohibited excepting at public and existing private streets, ways and crossings,

Article 23: Highway, Prohibition of blocking roads/sidewalks with snow (2/3 vote)

To amend the code of the Town of Georgetown as Follows:

Chapter 134 Streets and Sidewalks:

Article V: Depositing Snow;

SS134-16, Obstruction of Streets, Fire hydrants and sidewalks prohibited;

No person shall pile, push, throw, shovel, plow, or by any other method or means cause snow to be deposited or placed on any public roadway, fire hydrant, or sidewalk of the Town of Georgetown as to obstruct access to any fire hydrant or interrupt or other wise adversely effect the unrestricted flow of traffic or the safe travel of any pedestrian on such roadway or sidewalk.

SS134-17 Exceptions:

Shall not apply to any person in the employ of the Town of Georgetown or in the employ of any independent contractor which has been hired by the town for the purpose of snow removal.

SS134-18 Violations and Penalties:

Whoever violates this article shall be liable to a penalty not to exceed \$50.00 for each violation. Each instance shall constitute a separate violation of this article. Such fine may be recovered by the police department on a complaint before the district court or under the provisions of Article 2 of the code of the Town of Georgetown "Non- Criminal Disposition".

Article 24: Zoning Board of Appeals, 165-94. Pre-existing nonconforming structures or uses (2/3 vote)

Pre-existing nonconforming structures or uses may be extended or altered, provided that no such extension or alteration shall be permitted unless there is a finding by the Board of Appeals in granting a special permit that such change, extension or alteration shall not be substantially more detrimental than the existing non-conforming use to the neighborhood.

Modifications:

To see if the Town will vote to amend Zoning, Code of Georgetown, by amending section 165-94 to add the following sentence at the end of the section: "A special permit shall not be required when alteration, reconstruction, extension or structural change to a single or two family residential structure does not increase the non-conforming nature of said structure", or take any other action in relation thereto.

Article 25: Zoning Board of Appeals, 165-75 Lapse of a Special Permit (2/3 vote)

To see if the Town will vote to amend Zoning, Code of Georgetown, by amending section 165-75 by replacing the phrase “six months” where it appears twice and replacing it with “two years”, or take any other action in relation thereto.

As currently written:

A special permit shall lapse within six months from the grant thereof if a substantial use thereof has not sooner commenced except for good cause, or in the case of permit for construction if construction has not begun by such date except for good cause. Such six months shall be extended by the time required to pursue or await the determination of an appeal from the grant thereof to the land Court or Superior Court under law. (MGL c.40A, section 17)

Article 26: Planning Board, Housing Balance Bylaw Change (2/3 vote)

To see if the Town will amend the Zoning, Code of Georgetown, By amending Chapter 165-71 Housing Balance by striking out “Boston Primary Metropolitan Statistical Area” and replacing with “currently assigned Primary Metropolitan Statistical Area as designated by the Department of Housing and Community Development”, or take any other action in relation thereto.

Article 27: Planning Board, Zoning Bylaw amend to Section 165-83.D.6 (2/3 vote)

To see if the Town will amend the Zoning, Code of Georgetown, By amending Chapter 165-83 D (2)(b) by deleting “Building Inspector and/or”, and relettering the subsequent subsections to reflect the deletion, or take any other action in relation thereto.

Article 28: Planning Board, Zoning Bylaw amend by adding Open Space Residential Development Section (2/3 vote)

To see if the Town will amend the Zoning, Code of Georgetown, By amending Chapter 165, Article VII by deleting Planned Unit Developments Sections 165-47 through 165-55 and replacing with Open Space Residential Development as follows:

TOWN OF GEORGETOWN

OPEN SPACE RESIDENTIAL DEVELOPMENT (OSRD) BYLAW

- *Replaces Planned Unit Development Bylaw*

1) PURPOSE AND INTENT

a) The Primary Purposes for OSRD are the following:

- (1) To allow for greater flexibility and creativity in the design of residential developments;
- (2) to encourage the permanent preservation of open space, agricultural land, forestry

land, wildlife and rare species habitat, other natural resources including the Parker and Merrimack River watersheds, aquifers, waterbodies, areas of critical environmental concern, wetlands, and historical and archeological resources in a manner that is consistent with a Town of Georgetown Master Plan and Town of Georgetown Strategic Land Use Plan;

- (3) to encourage a less sprawling, less land consumptive and more efficient and compact form of development that consumes less open land and natural materials and conforms to existing topography and natural features better than a conventional or grid subdivision;
- (4) to minimize the total amount of disturbance on the site;
- (5) to further the goals and policies of the Town of Georgetown Master Plan and Town of Georgetown Strategic Land Use Plan as amended from time to time;
- (6) to facilitate the construction and maintenance of housing, streets, utilities, and public service in a more economic and efficient manner, that are in harmony with the architectural heritage of the Town of Georgetown.

2) APPLICABILITY

- a) Any proposed development in the Town of Georgetown, which would create more than ten (10) lots or dwelling units *or* is on a parcel of ten (10) acres shall be required to submit a special permit application to the Planning Board for an OSRD in accordance with the provisions of this Bylaw. The applicant may also submit a conventional subdivision plan at the same time in accordance with the Rules and Regulations Governing the Subdivisions of Land in the Town of Georgetown. The Planning Board shall, in compliance with Massachusetts General Laws Chapter 40A, Section 9, hold a public hearing on the proposed OSRD application and a concurrent public hearing on the proposed conventional subdivision, if applicable. In the event both an OSRD Concept Plan and a conventional plan are submitted, prior to the close of the hearing, the Planning Board shall recommend which plan it considers most beneficial to the Town, and the applicant shall, also prior to the close of the hearing, elect which plan he or she wishes to pursue, and shall inform the Planning Board of his or her choice in writing. For subdivisions that would create nine (9) or fewer lots or units or are on less than ten (10) acres an applicant may submit a special permit application for an OSRD in preference to filing a conventional plan. Any special permit application submitted under the provisions of this subsection, which involves the subdivision of land, shall be subject to the approval of the Planning Board under the Rules and Regulations governing the subdivision of Land in the Town of Georgetown.
- b) Zoning Classification: Only those tracts located in the RB and RC districts shall be eligible for consideration as an OSRD.
- c) Contiguous Parcels: To be eligible for consideration as an OSRD, the total tract shall consist of a parcel or set of contiguous parcels.
- d) Land Division: To be eligible for consideration as an OSRD, the tract may be a subdivision or a division of land pursuant to G.L. c. 41, s. 81P provided, however, that OSRD may also be permitted where intended as a condominium on land not so divided or

subdivided. Condominiums are permitted only with a special permit from the Zoning Board of Appeals and roads within shall remain private.

3) SPECIAL PERMIT REQUIRED

- a) The Planning Board may authorize an OSRD pursuant to the grant of a special permit. The Planning Board will act as the special permit granting authority for all OSRD applications. Such special permits shall be acted upon in accordance with the following provisions outlined in this Bylaw.

4) PRE-APPLICATION

- a) Conference. The applicant is strongly encouraged to attend a pre-application conference at a regular business meeting of the Planning Board. If one is requested, the Planning Board shall invite a representative of the Conservation Commission, Board of Health, and the Open Space Committee. The purpose of a pre-application review is to minimize the applicant's costs of engineering and other technical experts, and to commence negotiations with the Planning Board at the earliest possible stage in the development. At the pre-application review, the applicant may outline the proposed OSRD, seek preliminary feedback from the Planning Board and/or its technical experts, and set a timetable for submittal of a formal application. (At the request of the applicant, and at the expense of the applicant, the Planning Board may engage technical experts to review the informal plans of the applicant and to facilitate submittal of a formal application for an OSRD special permit).
- b) The Planning Board may adopt rules and regulations relative to the size, form, number and contents of the plans to be submitted for a pre-application review.

5) DESIGN PROCESS

- a) At the time of the application for a special permit for OSRD in conformance with Section 6, applicants are required to demonstrate to the Planning Board that the following Design Process was performed by a certified landscape architect and considered in determining the layout of proposed streets, house lots, and open space.
 - i) Step One: *Identifying Conservation Areas*. The applicant shall identify preservation land by two steps. First, Primary Conservation Areas, Primary Conservation areas are site features that are protected by federal, state or local laws such as wetlands, riverfront areas, areas of critical environmental concern, outstanding resource waters, rare species habitat, flood hazard areas, and floodplains. Second, Secondary Conservation Areas, Secondary Conservation Areas include unprotected elements of the natural landscape such as steep slopes (typically greater than twenty five percent), mature woodlands (trees with caliper of twenty inches or greater), wetland buffer zones, vernal pools, prime farmland, large open meadows, critical wildlife habitats and important cultural features such as historic and archeological sites and scenic views shall be identified and delineated. The areas that do not qualify as Primary or Secondary Conservation Areas as agreed to by the discretion of the Planning Board define the Potentially Developable Area. Second, the Potentially Developable Area shall be identified and delineated. To the maximum extent feasible, the Potentially Developable Area shall consist of land outside identified Primary and Secondary Conservation Areas.

- ii) Step Two: *Locating House Sites*. Locate the approximate sites of individual houses within the Potentially Developable Area and include the delineation of private yards and shared amenities, so as to reflect an integrated neighborhood, with emphasis on consistency with the Town's historical development patterns and heritage.
- iii) Step Three: *Aligning the Streets and Trails*. Align streets in order to access the house lots. Additionally, new trails should be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, and trails.
- iv) Step Four: *Lot Lines*. Draw in the lot lines according to Section 8 or this Bylaw.

6) **PROCEDURES**

- a) Application. An application for a special permit for an OSRD shall include an OSRD Concept Plan. The OSRD Concept Plan consists of the following information.
 - i) Drawings shall be prepared by a certified landscape architect, or by a multi-disciplinary team of which one member must be a certified landscape architect, and shall address the general features of the land, give approximate configurations of the lots, open space, and roadways, and include the information listed in the Subdivision Rules and Regulations if applicable. This information shall incorporate the Four-Step Design Process, according to Section 5 above, and the design standards according to Section 10 of this Bylaw, when determining a proposed design for the development.
 - ii) A determination of yield shall be presented as described in Section 7 of this Bylaw.
- b) Relationship Between the OSRD Concept Plan and OSRD Definitive Subdivision Plan or OSRD Site Plan.
 - i) The issuance of an OSRD Concept Plan special permit replaces the Preliminary Subdivision Plan and allows the applicant to submit an OSRD Definitive Subdivision Plan to the Planning Board for approval under the Subdivision Control Law. Any OSRD Concept Plan special permit issued by the Planning Board shall specifically state that the OSRD Definitive Subdivision Plan or the OSRD Site Plan shall substantially comply with the OSRD Concept Plan and special permit conditions.
 - ii) Once an OSRD Concept Plan has been approved, for developments that do not involve a subdivision of land, the Applicant shall submit an OSRD Site Plan and will not be required to submit an OSRD Definitive Subdivision Plan. Such plan shall satisfy the requirements of Section x (Town of Georgetown site plan review requirements), and shall contain such additional requirements required by the Planning Board under Section 13 of this Bylaw.
 - iii) An OSRD Definitive Subdivision Plan or OSRD Site Plan will be considered not to substantially comply with the OSRD Concept Plan if the Planning Board determines that any of the following conditions exist:
 - (1) An increase in the number of building lots or dwelling units;
 - (2) a significant decrease in the open space acreage;

- (3) a significant change in the lot layout;
 - (4) a significant change in the general development pattern which adversely affects natural landscape features and open space preservation;
 - (5) significant changes to the storm water management facilities; and/or,
 - (6) significant changes in the wastewater management systems.
- iv) If the Planning Board determines that the OSRD Definitive Subdivision Plan does not substantially comply with the OSRD Concept Plan, the Board may disapprove the definitive subdivision plan for failure to comply with the condition of the special permit requiring that the OSRD Definitive Plan substantially comply with the OSRD Concept Plan.
 - v) The Planning Board may conditionally approve an OSRD Definitive Subdivision Plan that does not substantially comply with the OSRD Concept Plan special permit. However, such conditional approval must identify where the plan does not substantially comply with the OSRD Concept Plan special permit and shall require that the OSRD Concept Plan special permit be amended to be in compliance with the special permit approval. The Planning Board shall also require that the applicant file an application to amend the OSRD Concept Plan special permit within a specified time period.
 - vi) The public hearing on the application to amend the OSRD Concept Plan special permit shall be limited to the significant changes identified by the Planning Board in their conditional approval of the OSRD Definitive Subdivision Plan. These are the only considerations that the Planning Board may take into account in deciding whether to amend the OSRD Concept Plan special permit.
- c) General Procedures.
 - i) Whenever an application for a OSRD special permit is filed with the Planning Board, the applicant shall also file, within five (5) working days of the filing of the completed application, copies of the application, accompanying OSRD Concept Plan, and other documentation, to the Board of Health, Conservation Commission, Building Inspector, Department of Public Works, Police Chief, Fire Chief, and Open Space Committee for their consideration, review, and report. The applicant shall furnish the copies necessary to fulfill this requirement. Reports from other boards and officials shall be submitted to the Planning Board within thirty-five (35) days of receipt of the reviewing party of all of the required materials; failure of these reviewing parties to make recommendations after having received copies of all such required materials shall be deemed a lack of opposition or support thereto. In the event that the public hearing by the Planning Board is held prior to the expiration of the 35-day period, the Planning Board shall continue the public hearing to permit the formal submission of reports and recommendations within that 35-day period. The Decision/Findings of the Planning Board shall contain, in writing, an explanation for any departures from the recommendations of any reviewing party. The Planning Board shall render a decision on the Special Permit application within sixty-five (65) days from the opening of the hearing unless the Applicant approves of an extension.

The Planning Board shall render a decision a within thirty (30) days from the close of the public hearing.

d) Site Visit.

- i) Whether or not conducted during the pre-application stage, the Planning Board may conduct a site visit during the public hearing. At the site visit, the Planning Board and/or its agents shall be accompanied by the applicant and/or his or her agents.

e) Other Information.

- i) The submittals and permits of this section shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning Bylaw. To the extent permitted by law, the Planning Board shall coordinate the public hearing required for any application for a special permit for an OSRD Concept Plan with the public hearing required for approval of an OSRD Definitive Subdivision Plan or an OSRD Site Plan.

7) BASIC MAXIMUM NUMBER OF LOTS/DWELLING UNITS

a) Determination of Yield

- i) The Basic Maximum Number or density shall be derived from a Yield Plan. The Yield Plan shall show the maximum number of lots (or dwelling units) that could be reasonably placed upon the site under a conventional subdivision process according to the Regulations Governing the Subdivision of Land in the Town of Georgetown. The proponent shall have the burden of proof with regard to the Basic Maximum Number of lots (or dwelling units) resulting from the design and engineering specifications shown on the Yield Plan. The Planning Board may request further information to justify the determination of yield including an approved wetland and resource delineation, soil tests and percolation tests. The determination of yield shall set the amount of lots (or dwelling units) submitted in the Concept Plan, not including increased units allowed under Section 12 of this Bylaw.

8) REDUCTION OF DIMENSIONAL REQUIREMENTS

a) The Planning Board encourages applicants to modify lot size, shape, and other dimensional requirements for lots within an OSRD, subject to the following limitations:

- (1) Lots having reduced area or frontage shall not have frontage on a street other than a street created by the OSRD; provided, however, that the Planning Board may waive this requirement where it is determined that such reduced lot(s) will further the goals of this Bylaw.
- (2) At least 50% of the required setbacks for the district shall be maintained in the OSRD unless a reduction is otherwise authorized by the Planning Board.
- (3) Minimum lot size will be ten thousand (10,000) square feet provided, however, that the Planning Board may waive this requirement where it is determined that such reduced lot(s) will further the goals of this Bylaw.

9) OPEN SPACE REQUIREMENTS

Open Space. A minimum of fifty-five percent (55%) of the tract shown on the development plan shall be open space. Any proposed open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded conservation restriction enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved exclusively for the purposes set forth herein, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.

- i) The percentage of the open space that is wetlands shall not normally exceed the percentage of the tract that is wetlands.
- ii) The open space shall be contiguous. Contiguous shall be defined as being connected. Open space will still be considered connected if it is separated by a roadway or an accessory amenity.
- iii) The open space shall be used for wildlife habitat and conservation and the following additional purposes: historic preservation, education, outdoor education, passive recreation, park purposes, agriculture, horticulture, forestry, a combination of these uses, and shall be served by suitable access for such purposes. The Planning Board may permit up to five percent (5%) of the open space to be paved or built upon for structures accessory to the dedicated use or uses of such open space (i.e., pedestrian walks and bike paths).
- iv) At the discretion of the Planning Board subsurface wastewater and stormwater management systems serving the OSRD may be located within the open space. Surface systems, such as retention and detention ponds, shall not qualify towards the minimum open space required unless these structures are determined by the Planning Board to be “soft” (non-structural) more natural stormwater management techniques that reduce impervious surfaces and enable infiltration where appropriate.
- v) Ownership of the Open Space. The open space shall, at the Planning Board's election, be conveyed to:
 - (1) The Town or its Conservation Commission;
 - (2) a nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above;
 - (3) a corporation or trust owned jointly or in common by the owners of lots within the OSRD. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust that shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town to perform maintenance of such open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the Town an easement for this purpose. In such event, the Town shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the Town may perform it. Each individual deed, and the deed or trust or articles of

incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded.

10) DESIGN STANDARDS

- a) The following Generic and Site Specific Design Standards shall apply to all OSRDs and shall govern the development and design process:

i) General Design Standards

- (1) The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and take advantage of natural drainage patterns.
- (2) Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject parcel.
- (3) All open space (landscaped and usable) shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.
- (4) The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.
- (5) Garages shall be recessed at least five (5) feet from the front building wall of the house. Side entry and detached garages are strongly encouraged.

(6) The Planning Board may issue building form guidelines to help clarify architectural design standards listed in this subsection.

ii) Site Specific Design Standards

- (1) *Mix of Housing Types.* The OSRD may consist of any combination of single-family, two-family and multifamily residential structures. A multifamily structure shall not contain more than three (3) dwelling units. Multifamily residential structures shall be in scale with surrounding residential structures. No further special permits are required from the Town of Georgetown for construction of multifamily residential structures.
- (2) *Parking.* Each dwelling unit shall be served by two (2) off-street parking spaces. Parking spaces in front of garages may count in this computation. All parking areas with greater than four (4) spaces shall be screened from public view.
- (3) *Buffer Areas.* A buffer area of twenty-five (25) feet shall be provided at the perimeter of the property where it abuts residentially zoned and occupied

properties and a buffer area of one hundred (100) feet shall be provided from natural resource areas such as wetlands, intermittent streams, agricultural or recreational fields, and land held for conservation purposes except as noted below. In all cases a two hundred (200) foot buffer must be maintained from perennial streams unless otherwise permitted by the Conservation Commission. Driveways necessary for access and egress to and from the tract may cross such buffer areas. No vegetation in this buffer area will be disturbed, destroyed or removed, except for normal maintenance of structures and landscapes approved as part of the project. The Planning Board may waive the buffer requirement in these locations when it determines that a smaller buffer (or no buffer) will suffice to accomplish the objectives set forth herein, decisions will be made in conjunction with the Conservation Commission where the Commission's jurisdiction is applicable.

- (4) *Drainage.* The Planning Board shall encourage the use of "soft" (non-structural) natural stormwater management techniques (such as rain gardens and open grass swales and bio-retention swales) and other drainage techniques that reduce impervious surface and enable infiltration where appropriate. Stormwater should be treated at the source to limit nonpoint source pollution. In order to promote water conservation, rainwater retention systems such as rain barrels and cisterns are also strongly encouraged for irrigation purposes.
- (5) *Screening and Landscaping.* All structural surface stormwater management facilities shall be accompanied by a landscape plan. The landscape plan shall not include invasive plant species and shall include species that are drought tolerant and provide habitat value. Native plant species are strongly encouraged and in ground sprinkler systems are strongly discouraged.
- (6) *Common/Shared Driveways.* A common or shared driveway may serve a maximum number of 2 dwelling units.
- (7) *On-site Pedestrian and Bicycle Circulation.* Walkways and bicycle paths shall be provided to link residences with parking areas, recreation facilities (including parkland and open space) and adjacent land uses where appropriate.
- (8) *Disturbed Areas.* Not more than fifty percent (50%) of the total tract shall be disturbed areas. A disturbed area is any land not left in its natural vegetated state.

11) DECISION OF THE PLANNING BOARD

- a) The Planning Board may grant a special permit for a OSRD if it determines that the proposed OSRD has less detrimental impact on the tract than a conventional development proposed for the tract, after considering the following factors:
 - i) Whether the OSRD achieves greater flexibility and creativity in the design of residential developments than a conventional plan;
 - ii) whether the OSRD promotes permanent preservation of open space, agricultural land forestry land, other natural resources including waterbodies and wetlands, and historical and archeological resources;

- iii) whether the OSRD promotes a less sprawling, less land consumptive and more efficient and compact form of development that consumes less open land and conforms to existing topography and natural features better than a conventional subdivision;
- iv) whether the OSRD reduces the total amount of disturbance on the site;
- v) whether the OSRD furthers the goals and policies of the Town of Georgetown Master Plan (date/name) and Town of Georgetown Strategic Land Use Plan (name/date) as amended from time to time;
- vi) whether the OSRD facilitates the construction and maintenance of streets, utilities, and public service in a more economical and efficient manner;
- vii) whether the Concept Plan and its supporting narrative documentation complies with all sections of this zoning Bylaw;
- viii) whether the construction of housing, landscape and streetscape is in harmony with the architectural heritage of the Town of Georgetown.

12) INCREASES IN PERMISSIBLE DENSITY

- a) The Planning Board may award a density bonus to increase the number of dwelling units beyond the Basic Maximum Number. The density bonus for the OSRD shall not, in the aggregate, exceed fifty percent (50%) of the Basic Maximum Number. Fifteen (15) or less approved units beyond the Basic Maximum Number shall not be subject to the Town of Georgetown inclusionary housing bylaw (Section 165-71) (fifteen (15) units or more shall be subject to Section 165-71). Computations shall be rounded to the lowest number. A density bonus may be awarded in the following circumstances:
 - i) For each additional ten percent (10%) of the site (over and above the required 55%) set aside as open space, a bonus of five percent (5%) of the Basic Maximum Number may be awarded; provided, however, that this density bonus shall not exceed 25% of the Basic Maximum Number.
 - ii) For every one (1) dwelling unit restricted to occupancy in perpetuity by persons or families who qualify as low or moderate income, as those terms are defined for the area by the Commonwealth's Department of Housing and Community Development, one (1) dwelling unit may be added as a density bonus; provided, however, that this density bonus shall not exceed fifty (50) percent of the Basic Maximum Number. This bonus is in addition to the existing affordability housing requirements in the Town of Georgetown. In lieu of constructing such affordable dwelling units, the applicant may be granted an increase in permissible density by paying a fee to the Town of Georgetown on a per dwelling unit basis. The applicant may make a cash payment to the Town with a value comparable to the difference between the value of the affordable units and the fair market value of such units free of the conditions set forth in Commonwealth of Massachusetts guidelines for affordable housing under M.G.L. Chapter 40B eligibility definition.

13) ADOPTION OF RULES AND REGULATIONS

The Planning Board may after notice and hearing adopt rules and regulations specifying the content and number of required plans, application procedures, filing and review fees, design criteria, development standards, and other general requirements to be applied under this Bylaw.

Or take any other action in relation thereto.

Article 29: Water Department, Commissioners Loop (2/3 vote)

To see if the Town will vote to authorize the Water Department to acquire by purchase, gift, eminent domain or otherwise all or a portion of the parcel of land located off Bailey Lane, shown on Town Assessor's Map 3 as Lot 25, and described below, now or formerly owned by the Estate of William H. Herrick, Jr., and George W. Harris, Trustee of the H & H Family Trust, upon such terms and conditions as the Water Department shall determine to be appropriate, for water purposes pursuant to G.L. c. 40 §§ 39B & 39D, said parcel of land being described in deeds recorded with the Essex South District Registry of Deeds in Book 5055, Page 1 and Book 10859, Page 32.

And, further to see if the Town will vote to raise, appropriate, transfer from available funds, accept gifts or borrow a sum of money for this purpose and any expenses related thereto and to authorize the Water Department to enter into all agreements and take all related actions necessary or appropriate to carry out this acquisition, or act or transact anything in relation thereto.

Article 30: Assessors, Property Tax Exemptions

To see if the Town will vote to accept M.G. L. Chapter 59, Sec. 5 clause 17D, which authorizes a Property Tax Exemption of \$175.00 to persons over the age of seventy, surviving spouses and minors, who meet certain qualifications and asset requirements; and further, to see if the Town will vote to accept M.G.L. Chapter 59, Sec. 5, clause 17E, which would result in an annual adjustment to the amount of the whole estate, real and personal, as set forth in clauses 17, 17C, 17C1/2, and 17D, by an amount equal to the COLA (cost of living adjustment) determined by the Commissioner of Revenue, or take any other action relative thereto.

Article 31: Assessors, Map 19 Lot 2B

To see if the Town will accept, pursuant to G.L.c. 60 § 77C, a parcel of land located on Jewett Street identified on Assessors Map 19 Lot 2B and described in a deed recorded with the Essex South District Registry of Deeds in Book 17522, Page 396 to be held under the care, custody, management and control of the Conservation Commission. The Assessors Office will abate the delinquent tax amount under G.L.c. Chapter 60 § 77C or take any other action in relation thereto.

Article 32: Citizen Petition, Zoning Bylaw Amendment Chapter 165-83 D (6)
(2/3 vote)

To see if the Town will amend the Zoning, Code of Georgetown, by amending Chapter 165-83 D (6) "Occupancy Permits" by striking subsection (a) thereof and inserting the following:

(a) No certificate of occupancy shall be issued for any building or structure, or portions(s) thereof, until:

[1] The Building Inspector receives final as-built plans for the building or structure and a certification from a registered architect, engineer or land surveyor, as appropriate, that all construction (including utilities) has been done in accordance with the approved site plan.

[2] The Building Inspector certifies that all conditions are in substantial compliance with the approved site plan.

(b) However in the event conditions, imposed by the Planning Board in the approved site plan, are not in substantial compliance the Building Inspector may issue a Certificate of Occupancy for a portion of any building or structure provided surety, the amount to be set by the Planning Board, is posted with the town to ensure that the work is completed within a reasonable time.

Or take any other action in relation thereto.

Article 33: Citizen Petition, Zoning, Code of Georgetown, amend Chapter 165-83 C
(2/3 vote)

To see if the Town will amend the Zoning, Code of Georgetown, by amending Chapter 165-83 C "Exemptions from site plan approval" by adding the following:

(6) change in use of any building or portion thereof, if such use is permitted in the zone.

Or take any other action in relation thereto

Article 34: Citizen Petition, Zoning, Code of Georgetown, amend Chapter 165-83 V
(2/3 vote)

To see if the Town will amend the Zoning, Code of Georgetown, by amending Chapter 165-83 V, "Modifications to approved site plans" by striking said subsection V in its entirety and inserting the following:

V. Modifications to approved site plans.

(1) No applicant shall be required to modify any approved site plan.

(2) In the event the applicant desires to make a modification to an approved site plan, the applicant shall submit, to the Planning Board a written description of the proposed modification(s) and 10 copies of a revised site plan showing such proposed modification.

(3) The Planning Board shall within 15 days of receipt of the written request and plans determine (a) that the proposed modification(s) is (are) significant and schedule a noticed and Published public hearing to be opened within the next 19 days or (B) that the proposed modification(s) are insignificant and consistent with the previously approved site plan. Failure by the Planning Board to act on the request for determination of a modification within 15 days shall be deemed a determination that the proposed modification(s) are insignificant and consistent with the previously approved site plan and the Planning Board shall forthwith make such endorsement on said plan and file copies thereof with the Town Clerk and Building Inspector. The time frame may be extended by mutual agreement of both parties.

(4) In the event the Planning board determines the proposed modification(s) are insignificant and consistent with the previously approved site plan a copy of the determination and revised plan shall be filed with the Town Clerk and Building Inspector.

(5) In the event the Planning board determines the proposed modification(s) are significant then the procedures set forth in sub-section D of Chapter 165-83 shall be followed.

Article 35: Citizen Petition, Zoning, Code of Georgetown amend Chapter 165-13 (2/3 vote)

To see if the Town will vote to amend Chapter 165 (Zoning) of the code of the Town of Georgetown, Article III Rate of Development Zoning Bylaw 165-13 section titled Applicability by deleting year 2005 and inserting year 2010.

The by-law shall read:

This Article shall apply to the issuance of all building permits for construction of all new residential dwelling units, with exemptions as set forth in §165-17 herein. This article shall be effective through December 31, 2010. This chapter may be extended without lapse of its provisions, conditions and limitations by vote of a Town Meeting of the town prior to December 31, 2010, or take any other action in relation thereto.

Article 36: Planning Board term from Five years to Three years

To see if the Town will vote to change the term of members of the Planning Board from five to three years, as provided in the General laws Chapter 41, Section 81A. Said change to be effected as the terms of those now serving expire, beginning with the town election of 2006, or take any other action in relation thereto.

And you are directed to serve this Warrant by posting up attested copies thereof at the Perley School, Town Office, Post Office, Erie Engine House and Municipal Light Building.

Hereof fail not, and make due return of this Warrant, with your doings thereon to the Town Clerk, at the time and place of meeting, as aforesaid.

Given under our hands this _____ day of _____,
in the year of our Lord _____.

Selectmen
of
Georgetown

(Warrant must be posted no later than April 15, 2005.)

ESSEX, ss.

Pursuant to the within Warrant, I have notified and warned the inhabitants of the Town of Georgetown by posting up attested copies of the same as within directed.

Georgetown, Massachusetts. _____ day of _____,
_____ Constable of Georgetown

Warrant and return.

A true copy of the

Attest:

Town Clerk